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| 09/515,272      | 02/29/2000  | David B. Kinder      | INTL-0315-US (P7998) | 1987             |

21906 7590 01/23/2007

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| EXAMINER |
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/515,272  
Filing Date: February 29, 2000  
Appellant(s): KINDER ET AL.

**MAILED**

**JAN 23 2007**

**Technology Center 2600**

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Kinder et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/20/06 appealing from the Office action mailed 10/18/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

|           |           |         |
|-----------|-----------|---------|
| 5,604,542 | Dedrick   | 02-1997 |
| 6,486,895 | Robertson | 11-2002 |
| 6,681,393 | Bauminger | 01-2004 |
| 6,057,872 | Candelore | 05-2000 |

PNG (Portable Network Graphics) Specification, Version 1.0, (05-1997).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 9, 12-15 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of PNG Specification Version 1.0. This rejection is set forth in a prior Office Action, mailed on November 11<sup>th</sup>, 2005.

Claims 6, 10-11, 17-18 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick and the PNG Specification Version 1.0, and further in view of Candelore. This rejection is set forth in a prior Office Action, mailed on November 11<sup>th</sup>, 2005.

Claims 5 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick and the PNG Specification Version 1.0, and further in view of Bauminger. This rejection is set forth in a prior Office Action, mailed on November 11<sup>th</sup>, 2005.

Claims 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick and the PNG Specification Version 1.0, and further in view of Robertson. This rejection is set forth in a prior Office Action, mailed on November 11<sup>th</sup>, 2005.

**(10) Response to Argument**

a. Rejection under 35 U.S.C. 103(a) of claims 1-3, 9, 12-15 and 19-20 over Dedrick in view of PNG Specification Version 1.0.

Firstly, in response to appellant's argument on page 10, that the PNG specification does not disclose displaying those portions *earned* by viewing, it is noted that none of the current claims require any sort of "earning" whatsoever. The claim language merely requires that the portions displayed be dependent upon the time spent viewing video content. Neither Dedrick nor the PNG specification were relied upon to disclose *earning*, as it is not required.

Dedrick was relied upon to disclose transmitting video content with a viewer incentive image (column 3, lines 16-22 and column 4, lines 7-11), wherein the viewer incentive image is transmitted as partial, incomplete portions (as individual packets making up the total image are transmitted through the VBI of the video channel; column 4, lines 7-15). The portions of the image are then accumulated over time (as the individual packets are individually downloaded upon the full advertisement is received; column 4, lines 7-15). Furthermore, the portions clearly accumulate dependent upon the time viewing the video signal, as the portions are specifically transmitted with the video signal in the VBI (column

4, lines 7-15). Thus, for example, if the viewer incentive required one minute to be downloaded through the VBI, the viewer would have to be tuned to the channel for at least one minute to receive the image.

While Dedrick discloses wherein the image is downloaded and then fully displayed (column 3, lines 23-37 and column 4, lines 7-19), he fails to explicitly disclose that incomplete portions of the image can be displayed without displaying the full image.

It was the PNG specification which was then relied upon to disclose wherein an image can be progressively displayed *as it is received over a communications link* (see Section 1, Introduction, Progressive Display). This allows received images to be displayed to “fade in” over time by initially displaying a low-resolution image very quickly and then the addition of more details as they are received (see Section 1, Introduction, Progressive Display and Section 2.6, Interlaced Data Order). This provides the recognized benefit of giving the user a meaningful display much more rapidly (see Section 2.6, Interlaced Data Order).

Secondly, on pages 10 and 11, appellant argues that the reference does not teach progressively displaying portions of the incentive image based on time spent viewing the streaming video.

In response, as indicated above, Dedrick specifically discloses wherein the viewer incentive is received over time, based on time spent viewing the

video, *since the incentive is transmitted with the video* (column 4, lines 7-19).

Furthermore, Dedrick even states that the viewer incentive can be displayed *with* the video on the *same* monitor (column 3, lines 34-37). The *receipt* of the viewer incentive, which is downloaded as individual packets through the VBI, is dependent upon the time spent viewing the video, as the packets are downloaded, over time, as the viewer watches the video (column 3, lines 16-37 and column 4, lines 7-19). Thus, while Dedrick clearly discloses receiving incomplete portions of the incentive image (column 3, lines 16-37 and column 4, lines 7-19) and that the viewer incentive is displayed to the user (displaying the full advertisement; column 3, lines 33-37 and column 4, lines 7-19), he merely fails to disclose that incomplete portions of the viewer incentive are displayed. It was the PNG specification which was then relied upon to disclose displaying portions of an image, as their received, and the benefit therein.

Thirdly, on page 11, appellant argues that a reference which teaches increasing the rapidity of overall image display, necessarily teaches away from the claimed invention, as requiring that the earned portion be displayed first most certainly delays the rapidity with which the overall image would be presented.

In response, it is once again noted that "earning" portions is not required by any of the current claims. The claims merely require that the amount of display image portions be dependent upon time spent viewing the video. The

combination of Dedrick and the PNG specification clearly meet these limitations, as shown above.

Finally, on page 11, appellant argues that neither reference gives any reason why one would display first the earned portion of less than all of the image.

In response, it is once again noted that “earning” portions is not required by any of the current claims. Furthermore, the claims do not include any requirement for which one particular portion to be displayed first. Thus the argument that an “earned” portion must be displayed first is completely irrelevant. As the combination of Dedrick and the PNG specification would disclose that the first arrived portions would be displayed first, this clearly meets the current claim limitations.

#### **(11) Related Proceeding(s) Appendix**

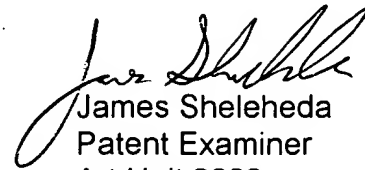
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.



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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




James Sheleheda  
Patent Examiner  
Art Unit 2623

JS  
January 4<sup>th</sup>, 2007


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